

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DEMETRIUS CONWELL,

No. C 05-2930 MMC (PR)

Petitioner,

**ORDER GRANTING PETITIONER'S
REQUEST TO PROCEED ON APPEAL IN
FORMA PAUPERIS**

v.

JEANNE WOODFORD, et al.,

Respondents

On September 27, 2007, the Clerk entered judgment on the Court's September 25, 2007 order denying petitioner's petition for a writ of habeas corpus. On September 28, 2007, petitioner filed a notice of appeal, in which petitioner included a request to proceed on appeal in forma pauperis.

By order filed August 5, 2005, the Court granted petitioner's application to proceed in forma pauperis before the district court. "A party who was permitted to proceed in forma pauperis in the district-court action . . . may proceed on appeal in forma pauperis," unless the district court certifies the appeal is "not taken in good faith" or finds the party is "not otherwise entitled to proceed in forma pauperis." See Fed. R. App. Proc. 24(a)(3).

Here, the Court finds the appeal is taken in good faith, and, further, finds no basis to conclude that petitioner is not otherwise entitled to proceed in forma pauperis.

Accordingly, petitioner's request is hereby GRANTED.

IT IS SO ORDERED.

Dated: October 31, 2007


MAXINE M. CHESNEY
United States District Judge